

highways of the State as designated on maps on file in the State Highway Department and which map or maps are hereby adopted and made a part of the Act, and shown as Exhibit No. 1.

(C) Upon appropriation made by the Legislature to begin construction and/or completion of secondary highways as designated on maps on file in the State Highway Department and which map or maps are hereby adopted and made a part of this Act, and shown as Exhibit No. 2.

Provided, that it shall be the duty of the State Highway Commission to complete and/or construct all Class "A" and Class "B" primary highways above defined and designated through the county seat of the county traversed by such highway, if the said highway is, at the time of the passage of this Act, designated a distance of not more than five miles from the county seat of the county traversed.

Sec. 3. The State Highway Commission shall not have authority to spend any part of the funds provided by S. J. R. No. 2 on designations other than those adopted in subsections (B) and (C) of Section 2 of this Act, except:

Designations absolutely necessary and essential to complete the designations of primary highways as shown on maps referred to in subsection (B) of Section 2.

Sec. 4. No part of the funds provided for under S. J. R. No. 2 shall be expended upon secondary highways unless and until all primary highways as designated by maps referred to in subsection (B) of Section 2 have actually been completed and are useable from State Line to State Line; except secondary highways to complete primary highways as above defined.

Provided, however, that the Highway Commission may, out of highway funds not otherwise appropriated, continue the construction, completion and maintenance of secondary highways already designated as shown in Exhibit No. 2, and provided further that nothing in this Act shall prevent the State Highway Department from shortening routes and straightening alignments of designated highways shown in Exhibit No. 1 as in their judgment will be for the best interest of the citizens

of Texas, but it is further understood that the Highway Commission shall adhere to the general routes and alignments of highways outlined on the maps adopted as parts of this Act.

Sec. 5. The fact that it is important to the taxpayers of the State that they be informed of the expenditure of public funds; that they should know in advance the purposes for which they are asked to supply funds; the fact that the State does not at this time have a completed highway system; the fact that the purpose in asking for the expenditure of the funds provided is S. J. R. No. 2, is to retire outstanding county and district road obligations and to construct a complete and comprehensive system of State Highways, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

FIFTIETH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,

Friday, March 27, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess and was called to order by Lieutenant Governor Edgar E. Witt.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 27, 1931.

Hon. Edgar E. Witt, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 400, A bill to be entitled "An Act regulating the taking and catching of catfish, bass and perch in Wise and Jack Counties, Texas, with any seine or net of a certain mesh; prescribing offenses, fines and

penalties; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 294, A bill to be entitled "An Act amending Article 6954 Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being House bill No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8 of the Acts of the Third Called Session of the Forty-first Legislature, Senate bill No. 22, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said article the counties of Carson and Oldham, and declaring an emergency."

H. B. No. 570, A bill to be entitled "An Act providing a more efficient road law for Sabine county, Texas, authorizing the commissioners court to refund the matured and unpaid principal and interest of its county-wide road bonds, dated January 1, 1918, by the issuance of refunding bonds in said amount, bearing interest at the same or a lower rate than the interest of said original bonds, providing for their maturities, for the levy of a tax in payment thereof, making this act cumulative of all other laws applicable to said county in harmony with the provisions hereof, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 571, A bill to be entitled "An Act providing a more efficient road law for Sabine county, Texas, authorizing the commissioners court

to refund the indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, making this act cumulative of all other laws applicable to said laws in harmony with the provisions hereof, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

H. B. No. 659, A bill to be entitled "An Act to amend House bill No. 18, Third Called Session of the Forty-first Legislature, to provide for and regulate the method of taking and catching fish in the public fresh waters of Marion, Harrison and Rusk counties, State of Texas, permitting the use of seines, nets and fish traps of a specified size; declaring seines, nets and fish traps of certain sizes to be a public nuisance; providing penalties for violations of this act, and declaring an emergency."

H. B. No. 678, A bill to be entitled "An Act creating a more efficient road system for Johnson county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery, and appliances of said county under the direction of the commissioners court, etc., and declaring an emergency."

H. B. No. 686, A bill to be entitled "An Act to amend Article 3943, Revised Civil Statutes of 1925, providing for commissions that shall be paid to the county treasurer and providing for one deputy in certain counties and fixing compensation, and declaring an emergency."

H. B. No. 693, A bill to be entitled "An Act to make it unlawful to take or kill wild quail of any species for a period of five years in Borden county, Texas; fixing penalty, and declaring an emergency."

H. B. No. 695, A bill to be entitled "An Act providing a more efficient road law for Dickens county, Texas; authorizing the commissioners court to refund that part of the principal and interest of its county-wide road bonds which will mature in March and April, 1931, by the issuance of refunding bonds in said amount, etc., and declaring an emergency."

H. B. No. 717, A bill to be entitled "An Act to regulate the method of taking or catching fish in the public fresh waters in Morris and Titus

counties, State of Texas; providing penalties for violation, repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 744, A bill to be entitled "An Act repealing Chapter 86 of the Third Called Session of the Thirty-sixth Legislature, known as House bill No. 164, and being a special road law for Blanco county, and providing that the general road laws of the State of Texas shall govern in Blanco county from the date of the passage of this Act with the following exceptions and additional provisions herein set out, and providing for the refunding of indebtedness of Blanco county heretofore made and evidenced by warrants or certificates of indebtedness heretofore issued, and as such same shall be known as to the local road laws of Blanco county."

H. B. No. 746, A bill to be entitled "An Act authorizing the commissioners court in any county having a population of not less than 12,500 and not more than 12,510, according to the United States census of 1920, and having an area of not less than 3000 square miles, to allow the county judge and each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business: requiring each such judge and commissioner to pay the expense of operation and repair of each automobile used by him without further expense to the county, and declaring an emergency."

H. B. No. 776, A bill to be entitled "An Act to fix the bag limit on quail and doves in Wood county; fixing the open season for killing quail and doves in said county; fixing the bag limit and open season for killing squirrel in said county; prohibiting hunting, taking or trapping in any way any fur-bearing animals in Wood County by transient or other persons who are not resident citizens of said county; prescribing penalties for the violation of any of the provisions of this act; repealing Chapter 190 of General and Special Laws of the Regular Session of the Forty-first Legislature, and declaring an emergency."

H. B. No. 834, A bill to be entitled "An Act amending Article 3937, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Section 7, Acts of the Fourth Called Session

of the Forty-first Legislature, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 27, Relating to the acceptance of the flag of the Republic of Greece.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 103. The following are conferees on the part of the House:

Sanders, Dunlap, Finn, Moore and Hubbard.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motion to Concur.

On motion of Senator Woodruff, the Senate concurred in House amendments to S. B. No. 400 by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent-Excused.

Pollard.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 400.

S. C. R. No. 27.

Senate Bill No. 447.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Parr:

S. B. No. 447, A bill to be entitled "An Act authorizing the Game, Fish and Oyster Commission to construct a channel through Padre Island, Mustang Island and St. Jo Island, etc., and declaring an emergency."

Read second time.

On motion of Senator Parr, the bill was laid on the table subject to call.

S. J. R. No. 2.

The question recurred upon the amendment by Senator Woodul to S. J. R. No. 2.

Senator Woodul withdrew the amendment.

Senator Moore sent up the following amendment:

Amend Committee Substitute to S. J. R. No. 2, page 4 of the printed copy, by striking out all after line 5 down to and including line 7 on page 5 and inserting in lieu thereof the following: "which purposes \$212,000,000.00 shall be the total amount of bonds to be issued under this Amendment, of which sum \$112,000,000.00, or so much thereof as may be required, shall be used for the following named purposes:

(a) For reimbursing counties and defined road districts of the State of Texas for the money expended in discharging obligations, the proceeds of which since July 1st, 1917, were expended for the construction of roads, which are parts of the System of State Highways.

(b) For assuming and/or discharging outstanding obligations made by counties and defined road districts of the State, the proceeds of which since July 1st, 1917, were expended in the construction of State Highways, which obligations so as-

sumed shall be paid as they mature. And \$100,000,000.00 of such bonds, or as much thereof as may be required to reimburse, assume and/or discharge said obligations shall be set aside as a reserve for said purposes solely and shall be sold as and when needed for the purpose of reimbursing and assuming and/or discharging said obligations, and the proceeds of said bonds shall not be used for any other purpose.

(c) For assuming and/or discharging outstanding road bonds less legally maintained sinking funds, made by counties and defined road districts of the State, the proceeds of which since the adoption of the Road Bond Act in 1907, page 251 Acts of 1907, and prior to July 1st, 1917, were expended for the construction of roads which are parts of the System of State Highways. And the sum of \$12,000,000.00 of such bonds or as many thereof as may be required to assume and/or discharge said bonds shall be set aside as a reserve for said purposes solely and shall be sold as and when needed for the purpose of assuming and/or discharging said obligations, and the proceeds of said bonds shall not be used for any other purpose.

Provided, however, where counties or defined road districts have created obligations, the proceeds of which since July 1st, 1917, have been expended on designated State Highways, and on which said obligations have been discharged by said counties or said defined road districts, the full amount of principal so expended for the purpose of discharging said obligations by said counties or said defined road districts, shall be refunded to each county or defined road district as provided in Section (a) hereof, and such refund shall be applied in payment of any other outstanding obligations of said county or said defined road district, the proceeds of which were expended in the construction of county roads; but in the event that said county or said defined road district shall have no such other outstanding obligations, than the amount of such refund shall be paid into the general road and bridge fund of said county, and expended according to law,—such refund to be paid in annual installments of one-tenth each year for a

period of ten years for the purpose of reducing taxes.

MOORE,
PURL,
LOY,
GREER.

The amendment was read.

Senator Poage sent up the following amendment to the amendment:

Amend Moore amendment to Committee Substitute to S. J. R. No. 2 by adding thereto the following: "For the purposes of assuming and/or discharging outstanding road bonds covered by subsection (c) as above mentioned all refunding bonds shall be assumed and/or discharged on the same basis as if said refunding bonds had been issued on the date of the original bonds."

POAGE.

The amendment to the amendment was read and adopted.

Senator Small sent up the following amendment to the amendment:

Amend Amendment No. 1, S. C. S. to S. J. R. No. 2 by striking out all of sub-section C, after the first paragraph, beginning with the word "provided" and insert in lieu thereof: "The Legislature is hereby authorized to enact necessary laws to enable the State to take up, assume and discharge all outstanding bonds of counties or defined road districts, the proceeds of which have been expended for the construction of roads which are parts of the State Highway System."

SMALL.

The amendment to the amendment was read and lost by the following vote:

Yeas—8.

Cunningham.	Parrish.
Hopkins.	Poage.
Hornsby.	Small.
Martin.	Woodruff.

Nays—19.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
DeBerry.	Russek.
Gainer.	Stevenson.
Greer.	Thomason.
Holbrook.	Williamson.
Loy.	Woodul.
Moore.	Woodward.
Neal.	

Present—Not Voting.

Hardin.

Absent.

Pollard.

(Pair Recorded.)

Senator Purl (present) who would vote nay, with Senator Rawlings (absent) who would vote yea.

Senator Parrish sent up the following amendment to the amendment:

Amend the amendment by adding thereto the following:

"Provided, that all Counties or Subdivisions thereof shall be reimbursed for the amount of monies expended, which monies were derived from the issuance of Bonds or Warrants, and in which said monies were used on present designated State Highways, provided said Bonds were issued since January 1st, 1907."

PURL.

The amendment to the amendment was read.

Senator Holbrook raised the point of order that this amendment was out of order because this amendment was identical with the amendment offered by Senator Parrish yesterday because 1907 was the date that the first bonds were issued, the effect of this amendment being to include all bond issues which was the substance and effect of the amendment offered yesterday which was lost and a motion to reconsider it lost.

The Chair, President Pro Tem. Carl Hardin, overruled the point of order.

Senator Moore moved to table the amendment to the amendment. The motion prevailed by the following vote:

Yeas—18.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Purl.
Greer.	Russek.
Holbrook.	Stevenson.
Loy.	Thomason.
Moore.	Williamson.
Neal.	Woodul.
Oneal.	Woodward.

Nays—9.

Cunningham.	Hornsby.
Hopkins.	Martin.

Parrish. Small.
Poage. Woodruff.
Rawlings.

Present—Not Voting.

Hardin.

Absent.

Gainer.

(Pair Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Pollard (absent) who would vote yea.

Senator Rawlings moved to lay the resolution and the pending amendment on the table subject to call.

Recess.

On motion of Senator Greer, the Senate, at 12:01 p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

S. J. R. No. 2.

The question recurred upon the motion to lay S. J. R. No. 2 and the pending amendment on the table subject to call.

Senator Moore raised the point of order that Senator Martin should confine his remarks to the pending amendment.

The Chair, Senator Williamson, overruled the point of order, holding that the pending motion to lay the resolution and the pending amendment on the table subject to call opened up the merits of both the resolution and the amendment for discussion.

The motion to lay the resolution and the pending amendment on the table subject to call was lost by the following vote:

Yeas—8.

Cunningham. Parrish.
Hopkins. Rawlings.
Hornsby. Small.
Martin. Woodruff.

Nays—21.

Beck. Cousins.
Berkeley. Gainer.

Greer. Poage.
Hardin. Purl.
Holbrook. Russek.
Loy. Stevenson.
Moore. Thomason.
Neal. Williamson.
Oneal. Woodul.
Parr. Woodward.
Patton.

(Pair Recorded.)

Senator DeBerry (present) who would vote yea, with Senator Pollard (absent) who would vote nay.

Senator Small sent up the following amendment to the amendment:

Amend the proposed amendment to S. C. S. to S. J. R. No. 2 by striking out all of line 12 after the word "Law," and all of Lines 13 and 14, and add the following: "such refund to be paid in annual installments equal to the amounts expended annually by the counties or defined road districts in retiring the principal of such obligations."

SMALL.

The amendment to the amendment was read and lost.

Senator Woodruff sent up the following amendment:

Amend the amendment by Moore to S. C. S. to S. J. R. No. 2 by striking out the figures "\$212,000,000.00" where they appear in paragraph 2, page one of the typewritten amendment, and inserting in lieu thereof the following "\$112,000,000.00."

WOODRUFF.

The amendment to the amendment was read.

Senator Woodul moved to table the amendment to the amendment. The motion prevailed by the following vote:

Yeas—18.

Beck. Oneal.
Berkeley. Parr.
Cousins. Patton.
Gainer. Purl.
Greer. Russek.
Holbrook. Thomason.
Loy. Williamson.
Moore. Woodul.
Neal. Woodward.

Nays—11.

Cunningham. Hopkins.
Hardin. Hornsby.

Martin.
Parrish.
Poage.
Rawlings.

Small.
Stevenson.
Woodruff.

(Pair Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Polard (absent) who would vote yea.

Senator Small sent up the following substitute for the pending amendment:

Amend Senate Joint Resolution No. 2 by striking out all of Section 2 and Section 3 and insert in lieu thereof a new section numbered "Section 2", to read as follows:

"Sec. 2. That the foregoing Constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election held on the first Tuesday after the first Monday in November, A. D. 1931, at which all ballots shall have printed thereon the following:

'For the Amendment of Section 48 of Article 3 of the Constitution of the State of Texas, providing for the construction of a system of State Highways, reimbursing outlays and assuming and/or discharging obligations made by counties and defined road districts of the State therefor.'

'Against the Amendment of Section 48 of Article 3 of the Constitution of the State of Texas, providing for the construction of a system of State Highways, reimbursing outlays and assuming and/or discharging obligations made by counties and defined road districts of the State therefor.'

SMALL.

The substitute was read.

Senator Woodul moved to table the substitute. The motion prevailed by the following vote:

Yeas—18.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Patton.
Gainer.	Purl.
Greer.	Stevenson.
Holbrook.	Thomason.
Loy.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Nays—10.

Cunningham.	Hopkins.
Hardin.	Hornsby.

Martin.
Parrish.
Poage.

Rawlings.
Small.
Woodruff.

Absent.

Russek.

(Pair Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Polard (absent) who would vote yea.

Senator Woodul received unanimous consent to have the original amendment printed in the Journal.

The following amendments were sent up to be printed in the Journal, unanimous consent being granted:

Amend Committee Substitute to S. J. R. No. 2, page 4, by inserting after the word "Revenue" in line 3, the following: "derived from special taxes on gasoline and motive power now being assessed and collected for highway construction."

MOORE.

Amend Committee Substitute to S. J. R. No. 2 as amended page 4, line 6, by adding after \$200,000,-000.00 the following: "and no more."

MOORE.

Amend Committee Substitute to S. J. R. No. 2 as amended by adding a new section as "C," as follows: Provided that no appropriation shall ever be made by the Legislature from the general revenue of the state to pay interest or sinking fund on road or highway bonds authorized in Section 48 of the Constitution.

MOORE.

Amend Section No. 1 Committee Substitute to Amendment 1 S. J. R. No. 2, page 3, by striking out everything after the words "The protection of the frontier" in line 19, including everything thereafter on pages three, four, five, six and seven, Section 4, line 23, page 7, of the printed substitute, and insert in lieu thereof, the following:

"The reimbursement of counties and defined road districts for outlays heretofore made for the acquisition and construction of State highways, and improvements thereon; but no tax other than a tax on motor fuel shall ever be levied or collected for such purpose."

Sec. 2. Amend article three of the Constitution of the State of Texas so that Section 51 will hereafter read as follows:

"The Legislature shall have no

power to make any grant or authorize the making of any grant of public moneys to any individual, association of individuals, municipal or other corporations whatsoever; provided, however, the Legislature may grant aid to indigent and disabled Confederate soldiers and sailors under such regulations and limitations as may be deemed by the Legislature as expedient, and to their widows in indigent circumstances under such regulations and limitations as may be deemed by the Legislature as expedient; to indigent and disabled soldiers, who, under special laws of the State of Texas during the war between the States, served in organizations for the protection of the frontier against Indian raids or Mexican marauders, and to indigent and disabled soldiers of the militia who were in active service during the war between States, and to the widows of such soldiers who are in indigent circumstances, and who are or may be eligible to receive aid under such regulations and limitations as may be deemed by the Legislature as expedient and also grant for the establishment and maintenance of a home for said soldiers and sailors, their wives and widows and women who aided in the Confederacy, under such regulations and limitations as may be provided for by law; provided the Legislature may provide for husband and wife to remain together in the home. There is hereby levied in addition to all other taxes heretofore permitted by the Constitution of Texas, as State ad valorem tax on property of seven (\$.07) cents on the one hundred (\$100.00) dollars valuation for the purpose of creating a special fund for the payment of pensions for services in the Confederate army and navy, frontier organizations and the militia of the State of Texas, and for the widows of such soldiers serving in said armies, navies, organizations of militia, provided that the Legislature may reduce the tax rate herein levied, and provided further that the provisions of this section shall not be construed so as to prevent the grant of aid in cases of public calamity; and provide further that the provisions of this Section shall not be construed so as to prevent the grant of public moneys to counties and to defined road districts of this

State, such sums as the Legislature may see fit to reimburse. Such counties and defined road district for outlays made by such counties and defined road districts in acquisition and construction of State Highways; and provide further that the Legislature may by general law purchase State highways and the improvements thereon from Counties and defined road districts of this State and to make such payments in such sums at such times and on such terms for such roads as it may see fit, provided further that no such reimbursement shall ever be paid to any such county or defined road district except from funds levied from a tax on motor fuel."

Sec. 3. That the foregoing Constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November A. D., 1932, at which all ballots shall have printed thereon the following:

"For the Amendment of Section 48 and 51 of Article 3 of the Constitution of the State of Texas, reimbursement of Counties and defined road districts for outlays heretofore made for the acquisition and construction of State highways and improvement thereon and authorizing the imposition of a tax on motor fuels therefor."

"Against the amendment to Sections 48 and 51 of Article 3 of the Constitution of the State of Texas, providing for the reimbursement of counties and defined road districts for outlays heretofore made for the acquisition and construction of State highways and improvement thereon and authorizing the imposition of a tax on motor fuels therefor."

Sec. 4. The Governor of this State is hereby directed to issue the necessary proclamation, ordering an election to determine whether or not the proposed Constitutional amendments, set forth herein shall be adopted and to have the same published, as required by the Constitution and laws of this State. And the sum of \$5,000.00, or so much thereof as may be necessary, is hereby appropriated for any funds in the State Treasury, not otherwise appropriated, to defray the expenses of printing said proclamation and holding said election.

POAGE.

Amendment No. 1.

Amend Senate Joint Resolution No. Two, as follows: Add between line 20 and 21 of page 5 of the printed bill the following:

"Provided that the Board of Regents of the University of Texas and the State Board of Education of Texas shall have an exclusive option to purchase at par and accrued interest any or all of said bonds as they are issued for the Permanent Fund of the University of Texas, and for the Permanent School Fund, respectively."

ONEAL.

Amendment No. 2.

Amend Senate Joint Resolution No. Two as follows: add immediately after Amendment No. One the following:

"Provided that such of said bonds as are not purchased by the Board of Regents of the University of Texas or by the State Board of Education of Texas, shall be offered for public subscription and where offers for same are of equal price per \$100.00 par value of said bonds, preference in allocation and sale of same shall be given to citizens of Texas."

ONEAL.

Amend S. C. S. to S. J. R. No. 2 by striking out "but, it is expressly stipulated and provided herein and hereby that the indebtedness as evidenced by such bond shall never become a charge against or lien upon, and no tax shall be levied, assessed or collected, either directly, or indirectly, or any homes, farms, ranches, or other real estate, or on any other property of any kind or character, real or personal, within this State, except on gasoline or other substances or agencies, or other sources of power, used for propelling or as fuel for motor vehicles," in lines 4 to 12 inclusive on page 6.

WOODRUFF.

Special Order Set.

By unanimous consent, S. J. R. No. 2 was set as special order Monday morning immediately following the morning call.

House Bills Referred.

H. B. No. 294 referred to Committee on Stock and Stock Raising.

H. B. No. 570 referred to Committee on State Highways and Motor Traffic.

H. B. No. 571 referred to Committee on State Highways and Motor Traffic.

H. B. No. 659 referred to Committee on Civil Jurisprudence.

H. B. No. 678 referred to Committee on State Highways and Motor Traffic.

H. B. No. 686 referred to Committee on State Affairs.

H. B. No. 693 referred to Committee on Civil Jurisprudence.

H. B. No. 695 referred to Committee on State Highways and Motor Traffic.

H. B. No. 717 referred to Committee on Civil Jurisprudence.

H. B. No. 744 referred to Committee on State Highways and Motor Traffic.

H. B. No. 746 referred to Committee on Counties and County Boundaries.

H. B. No. 776 referred to Committee on Civil Jurisprudence.

H. B. No. 834 referred to Committee on State Affairs.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Department,

Austin, Texas, March 27, 1931.

To the State Senate of Texas:

Subject to your confirmation, I have appointed the following named persons as members of the State Board of Dental Examiners for the next ensuing statutory term:

Dr. Geo. H. Mengel, El Paso.

Dr. J. F. Clark, Beaumont.

Dr. W. E. Sutton, Houston.

Dr. A. L. Nygard, Dallas.

Dr. W. M. Bourn, San Antonio.

Dr. W. C. Talbot, Fort Worth.

Respectfully,

R. S. STERLING,
Governor.

Read and referred to Committee on Governor's Nominations.

Simple Resolution No. 91.

Senator Loy sent up the following resolution:

Whereas, The Honorable S. B. Cowell of Grayson County who was an honored member of this body for many years and was the first Chairman of the State Board of Control and is one of Texas' outstanding statesmen and citizens is now in the Bar of the Senate; therefore, be it

Resolved That he be requested to address the Senate at this time.

LOY.

Read and adopted.

Hon. S. B. Cowell Speaks.

The Chair introduced Senator Loy who introduced Hon. S. B. Cowell of Whitesboro, first Chairman of the State Board of Control and former member of the State Senate.

Mr. Cowell briefly addressed the Senate.

Free Conference Report.

Senator Moore sent up the following Free Conference Committee report:

Free Conference Committee Report.

Committee Room,

Austin, Texas, March 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee on Senate Bill No. 103, have had the same under consideration and beg leave to report that the following bill be adopted:

"By Moore.

S. B. No. 103.

A BILL

To Be Entitled

An Act for the control and prevention of malaria; prescribing the duties of the State Board of Health in reference thereto; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State Board of Health is hereby authorized, empowered and directed to cooperate with the United States Public Health Service in instituting an intense campaign toward the control and eradication of malaria in Texas. The work shall first be begun in such sections as may be deemed by said Board and Health Service as sufficiently affected to need immediate relief and attention. Efforts shall be made immediately to suppress and remedy the conditions existing in the rural areas of Texas, shown to exist by the recent survey to be acutely infested with malaria, where the greatest need for control and eradication of this impoverishing disease exists."

Sec. 2. There is hereby appropriated out of the General Revenue of the Treasury of this State, out of the funds not otherwise appropriated, the following:

Item 1—One half of salary and expenses for Medical Director, to be assigned from the U. S. Public Health Service (Other half to be paid by the U. S. Public Health Service)

For balance of Fiscal year ending August 31, 1931	\$ 1,750.00
For Fiscal year ending August 31, 1932	3,000.00
For Fiscal year ending August 31, 1933	3,000.00

\$ 7,750.00

Item 2—Salary of five Sanitary Instructors who have had one or more years experience—3 at salary, none to exceed \$175.00 per month

For balance of Fiscal year ending August 31, 1931	\$ 2,625.00
For Fiscal Year ending August 31, 1932	6,300.00
For Fiscal year ending August 31, 1933	6,300.00

15,225.00

2 at salary none to exceed \$200.00 per month	
For balance of Fiscal year ending August 31, 1931	
	\$ 2,000.00
For Fiscal year ending August 31, 1932	4,800.00
For Fiscal year ending August 31, 1933	4,800.00
	<hr/>
	11,600.00
Item 3—Salary of one Technician who has had one or more years experience in laboratory work	
For balance of Fiscal year ending August 31, 1931	
	\$ 833.35
For Fiscal year ending August 31, 1931	2,000.00
For Fiscal year ending August 31, 1933	2,000.00
	<hr/>
Total	4,833.35
Item 4—Laboratory supplies for malaria diagnostic work for local physicians	1,200.00
Item 5—Traveling expense	2,500.00
Item 6—Larvacides, poisons and supplies for Instructors	5,000.00
Item 7—Literature, stamps, telegraph, telephone and stationery	1,500.00
Item 8—Contingent expense	391.65
	<hr/>
Grand total	\$50,000.00

To be immediately available for the balance of the fiscal year ending August 31, 1931, and for the fiscal years ending August 31, 1932, and August 31, 1933, respectively.

Provided, that the several amounts hereinabove appropriated can only be expended for the specific purposes herein stated, and that the amounts, or any part thereof, of the several items included above shall not be expended for any other purposes except those herein respectively provided, and that all warrants for monies appropriated for stamps shall be made payable to the Post Master and not to "cash" or any individual, and provided further, that none of this money shall be paid to increase the salary of any employee now in the State Health Department.

Sec. 3. The fact that in many counties located in Texas as much as fifty (50%) per cent of the population are affected by malaria, as revealed by a survey recently made, and the fact that according to a conservative estimate by expert and professional public health workers that there is an annual economic loss of over One Million (\$1,000,000.00) Dollars to the unprotected people of Texas, and that the spread of said disease is reaching alarming proportions and is causing much suffering and many deaths among the poor people of this State who do not have means to secure proper medical aid and equip their homes with sanitary equipment creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

BECK,
PATTON,
SMALL,
MOORE,
THOMASON,

On the part of the Senate.

SANDERS,
MOORE,
DUNLAP,
FINN,

On the part of the House.

Read and adopted by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Nays—4.

DeBerry.	Poage.
Hopkins.	Woodruff.

Absent.

Greer.	Russek.
Pollard.	

Simple Resolution No. 92.

Senator Purl sent up the following resolution:

Resolved by the Senate of Texas, That Honorable Edward Prentiss Costigan of Denver, who was elected as a progressive Democrat, U. S. Senator from Colorado by a 45,000 majority in 1930; who helped to make Colorado and the Nation dry; and who served with great distinction under appointment of President Woodrow Wilson for more than ten years as a member of the U. S. Treasury Commission, be invited to address the Texas Legislature at such time as will suit his convenience during its present session; and that the President of the Senate and the Speaker of the House jointly advise Senator Costigan of this invitation by wire.

Read and adopted.

PURL.

LOY.

CUNNINGHAM.

House Bill No. 370.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Hatchitt:

H. B. No. 370, A bill to be entitled "An Act to authorize any drainage district heretofore created or which may be hereafter created under the provisions of Chapter 7, Title 128, of

the Revised Civil Statutes, 1925, and which, at the time of its creation, has become a conservation and reclamation district under the provisions of Chapter 8, Title 128 aforesaid, or which may, after its creation pursuant to law now or hereafter in force, become such conservation and reclamation district, to levy all taxes of such district on a benefit basis; that is to say, on an equal and uniform basis or rate on each acre of land within said district, instead of an ad valorem basis as now provided by law, to provide the method for the determination thereof, to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 370 was put on its third reading and final passage by the following vote:

Yeas 26.

Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent.

Beck.	Loy.
Greer.	Pollard.
Hardin.	Russek.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Purl.
Gainer.	Rawlings.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Present—Not Voting.

DeBerry. Hardin.

Absent.Greer. Pollard.
Holbrook. Russek.**Adjournment.**

Senator Woodul moved to adjourn until 10 o'clock tomorrow morning

Senator Rawling moved to adjourn until 10 o'clock Monday morning.

The motion was lost.

Senator Williamson moved to adjourn until 9:30 Monday morning. The motion was lost by the following vote:

Yeas—11.

Cousins.	Stevenson.
Moore.	Thomason.
Oneal.	Williamson.
Patton.	Woodul.
Rawlings.	Woodward.
Small.	

Nays—15.

Berkeley.	Martin.
Cunningham.	Neal.
DeBerry.	Parr.
Gainer.	Parrish.
Hardin.	Poage.
Holbrook.	Purl.
Hornsby.	Woodruff.
Loy.	

Absent.

Beck.	Pollard.
Greer.	Russek.
Hopkins.	

Senator Williamson moved to recess until 8 o'clock tonight.

The motion to adjourn until 10 o'clock tomorrow morning prevailed and at 6:10 o'clock p. m., the Senate adjourned.

APPENDIX.**Petitions and Memorials.****FARMERS EDUCATIONAL AND CO-OPERATIVE UNION OF TEXAS.****Resolution No. 9.**

Upon motion of J. B. Preston, Dallas County, seconded by R. D. Bowen of Lamar County and several

others, the following resolution was adopted by the Farmers Educational and Co-operative Union of Texas in session at Texas Railroad Commission room and the Agricultural Department at Austin on March 9th and 10th, 1931:

Notwithstanding the farmers of Texas are today over burdened with taxes caused by increasing high salaries, and bond issues and other causes, a sly and shrewd attempt is now being made to issue additional bonds for the purpose of converting the Trinity River into a canal. Such canals exist in densely populated sections of the United States and in many parts of Europe where the banks of such streams are lined on both sides almost having their source to the mouth, with continuous villages and cities containing industries of all kinds creating traffic.

On the other hand, there is absolutely nothing in the way of industries or settlements from the source of the Trinity River to its mouth on Galveston bay, except the cities of Ft. Worth and Dallas, and it is doubtful if it would be possible to use such canal for at least five hundred years yet.

We oppose the passage of any law by the State Legislature of Texas which will authorize the issuing of any bonds or other indebtedness for the purpose of converting the Trinity River into a canal, unless it be positively fixed and no such law should become operative for at least three hundred years from date.

Resolution Committee:

J. B. Preston, Chairman, R. 3, Lancaster, Texas.

N. R. Dorsey, Vice Chairman, R. 1, Henderson, Texas.

E. A. Calvin, Secretary Waller & Harris, Co., Texas.

C. F. Stevens, Chairman, Executive Committee, Runge, Texas.

J. D. Henderson, President, Munday, Texas.

J. E. Edwards, Sec'y-Treas., Munday, Texas.

FARMERS EDUCATIONAL AND CO-OPERATIVE UNION OF TEXAS.**Resolution No. 8.**

Upon motion of R. D. Bowen, Lamar County, seconded by Louis Garms of Brown County and several others, the following resolution was

adopted by the Farmers Educational and Co-operative Union of Texas at a meeting held in the rooms of the Texas Railroad Commission and the State Agricultural Department in Austin on March 9th and 10th, 1931:

Texas is not only the leading agricultural State in the United States, but its main industry for many generations to come will be that of agriculture.

The Texas Agricultural and Mechanical College is a source and foundation for disseminating agricultural information and knowledge to the use of our State in all of its branches, so we urge the members of the Texas Legislature to be more liberal in its appropriations for the Texas Agricultural and Mechanical College, our great farmer school.

Resolution Committee:

J. B. Preston, Chairman, R. 3, Lancaster, Texas.

N. R. Dorsey, Vice Chairman, R. 1, Henderson, Texas.

E. A. Clavin, Secretary Waller & Harris Co., Texas.

C. F. Steves, Chairman, Executive Committee, Runge, Texas.

J. D. Henderson, President, Munday, Texas.

J. E. Edwards, Sec'y-Treas., Munday, Texas.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, March 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. C. R. No. 27 carefully examined and compared and find it correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, March 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 400 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, March 27, -931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 114 carefully examined and com-

pared and find same corrected engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We your Committee on State Affairs, to whom was referred

H. B. No. 368, A bill to be entitled "An Act to amend Article 2592 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back with recommendation that it do pass with Committee Amendment.

MOORE, Chairman.

Committee Amendment.

Amend H. B. No. 368, line 3 of second paragraph, Section 1, by striking out the "comma" after the word "shall," and by striking out the words "with the approval of the Legislature."

Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 492, A bill to be entitled "An Act providing for the creation of independent school districts by the county board of trustees and providing for the assumption of bonds or other indebtedness then outstanding against portions of the territory included in a new district, and providing for an election by the qualified property tax paying voters living within the area of the new district for the purpose of assuming such bonded indebtedness; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Hon. Edgar E. Witt, President of the Senate, Austin, Texas, March 26, 1931.

Sir:

We, your Committee on Educational Affairs, to whom was re-referred

S. B. No. 309, A bill to be entitled "An Act ratifying and validating the creation and all proceedings creating Oak Dale Common School District No. 60 of Erath County, Texas, with described boundaries, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that Senate Committee Substitute Bill do pass in lieu thereof, and that same be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, March 26, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, Your Committee on Educational Affairs, to whom was referred

S. B. No. 518, A bill to be entitled "An Act to amend Section 1, S. B. No. 158, Acts of the Regular Session of the 42nd Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, March 26, 1931.
Hon. Edgar E. Witt President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 563, A bill to be entitled "An Act amending Article 2832, Revised Statutes of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, March 27, 1931.
Hon. Edgar E. Witt President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 660, A bill to be entitled "An Act to validate the incorporation to the City of Groveton, and to declare valid all Acts pertaining to the incorporation of said City, and

to declare valid and binding each and every of the official acts of the Mayor and Aldermen sitting as a City Council since the incorporation of said City of Groveton, and to ratify, approve, confirm, and declare enforceable all levies and assessments and ad valorem taxes heretofore made by the governing body of said City of Groveton, not in excess of the limit provided by law, and the equalization of the taxable property situated in said City of Groveton, and to ratify, approve, affirm and declare enforceable all bonds and warrants heretofore issued by said governing body of said City of Groveton, not in excess of the constitutional and statutory limit, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendations that it do pass and be not printed.

ONEAL, Chairman.

Committee Room,
Austin, Texas, March 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 529, A bill to be entitled "An Act making an appropriation out of the general revenue of the State of Texas, not otherwise appropriated, to reimburse the Counties comprising the Ninth and Tenth Senatorial Districts for monies expended prior to the year 1929 in the eradication and extermination of cattle ticks, etc., etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass together with committee amendments.

BECK, Chairman.

Amend Section 1 of S. B. No. 529 as follows:

By striking out the words and figures "three hundred thousand dollars (\$300,000.00) and insert in lieu thereof the words and figures "five hundred thousand dollars (\$500,000.00), and by adding between the words "the" and "ninth" the following: First, Twenty-second, Fourteenth, Twenty-fifth and sixth and amend the Caption to conform with the body of the bill.

Committee Room,
Austin, Texas, March 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 386, A bill to be entitled "An Act relating to courses of instruction in the history of Texas in the higher grades of the Public Schools of this State, and requiring all higher educational institutions, supported in whole or in part by public funds, to give proper credit for such work on entrance requirements to such institutions; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,
Austin, Texas, March 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 7, A bill to be entitled "An Act regulating the practice of medicine; amending Article 4495 of the Revised Civil Statutes of 1925 as to provide for the Texas State Board of Medical Examiners and for the appointment of the members of said Board and prescribing their term of office; amending Article 4498 of the Revised Civil Statutes of 1925 and Article 739 of the Penal Code of Texas as codified in 1925, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BERKELEY, Chairman.

Committee Room,
Austin, Texas, March 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Senatorial Districts, to whom was referred

S. B. No. 453, A bill to be entitled "An Act repealing Article 194 of the Revised Civil Statutes of 1925, and providing that all election returns, in cases of election of State Senators, shall be made to the Secretary of State and that the Secretary of State shall receive the returns and count

the votes, and issue certificates of election to persons receiving the highest number of votes for Senator at any election in their respective districts."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MARTIN, Chairman.

Committee Room,
Austin, Texas, March 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Senatorial Districts, to whom was referred

S. B. No. 452, A bill to be entitled "An Act to apportion the State of Texas into Senatorial Districts, naming the Counties composing each district and providing for the election of a member of the State Senate from each such district and repealing all laws and parts of laws in conflict therewith."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute do pass in lieu thereof.

MARTIN, Chairman.

Committee Room,
Austin, Texas, March 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 263, A bill to be entitled "An Act appropriating \$3,000,000.00 per year or so much thereof as may be necessary for the next two fiscal years for the purpose of promoting the public school interest of rural school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts; attaching conditions, regulations and limitations relative thereto; providing for the assistance to counties employing Rural School Supervisors, authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance of all rural schools which meet the requirements of this Act a term of a certain length; providing assistance for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of

rural high school districts according to the use of an amount not to exceed to a county-wide plan; providing for a certain sum for the payment each year of the biennium of high school tuition of rural school pupils according to the provisions of Chapter 181, General Laws of the State of Texas, Fortieth Legislature, Regular Session of the Forty-first Legislature, providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of this Act; enacting other provisions necessary and incidental to the provisions of this Act; declaring the rule in event any provisions of this Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass together with committee amendments.

BECK, Chairman.

Committee Amendment No. 1.

To amend Section 3, line 2, by striking out five and inserting three.

Addenda to Section 10:

It is hereby further provided that if any additional district or districts be annexed to or consolidated with any existing High School unit, that there shall be granted out of the yearly appropriation of this act, the sum of five hundred dollars (\$500.00) for each such district annexed to or consolidated with such existing High School district. Provided further, should any district be annexed to or consolidated with a high school district in an adjoining county, a bonus shall be paid out of the yearly appropriations of this Act, the sum of five hundred dollars (\$500.00) for each original school district included in said consolidation or annexation that has not previously been granted a bonus for consolidation, and provided further that such plan of consolidation is agreed to by the Board of Trustees of both counties involved and is ratified by State Department of Education.

Committee Amendment No. 2.

Amendment to Section 12:

Strike out all of Section 12 and insert the following:

Sec. 12. Any school district which has a taxable valuation for State and County purposes of not to exceed one million dollars, and any consolidated school district which has a taxable valuation for State and County purposes of not to exceed one and one half million dollars, and which levies and collects a local tax of one dollar (\$1.00) on the one hundred dollars (\$100.00) valuation of property, and which is maintaining a high school of fifty or more resident scholastics shall receive from the yearly appropriations of this Act an amount equal to the State per capita apportionment for each resident high school pupil enrolled in school for that scholastic year, provided that no pupil shall be counted as enrolled in any school that shall attend said school for a less period than forty days.

Districts which have high schools of fewer than fifty resident high school pupils shall be eligible to receive this aid provided that the number of grades offered in such schools shall not exceed one grade for each ten pupils enrolled in the school. Provided further: That no school may receive more aid from this appropriation than is necessary to supplement the State and County available school funds together with the local maintenance tax to provide a term of school in excess of nine months according to the schedule of teachers' salaries adopted by the State Board of Education and budget of expense for each local maintenance approved by the State Department of Education; provided further, that high school aid authorized in this section shall apply to those districts only that are disqualified to receive aid under the provision of Section two of this Act.

Committee Amendment No. 3.

Amend S. B. No. 263, Section 13, by striking out the words and figures \$600,000.00 and inserting in lieu thereof the words and figures four hundred thousand dollars (\$400,000.00).

Committee Amendment No. 4.

Amend Senate Bill No. 263 by striking out "three million dollars" where it appears in Section 1, and substituting in lieu thereof "two million five hundred thousand dollars."

Committee Amendment No. 5.

Amend S. B. No. 263, Page 8, Section 17 by adding after the word "needed" in the last word of said paragraph the following: "Provided the trustees of any school receiving aid may separate their school in two terms per year."

Committee Amendment No. 6.

Amend S. B. No. 263 by adding a new section to be known as Section 19a to read as follows:

Sec. 19a. Provided however, that no School or School district shall be denied rural state aid for failure or refusal to buy any books, equipment, charts and or school supplies offered by any person, firm or corporation unless the minutes of the State Board of Education of Texas show that said Books, Equipment, Charts and or supplies was approved by a majority vote of said State Board of Education.

Committee Amendment No. 7.

Amend S. B. No. 263 by striking out \$20,000.00 where ever it appears in Section 7 and insert in lieu thereof \$18,000.00.

Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 736, A bill to be entitled "An Act making it unlawful to hunt or kill any wild turkey or wild deer in Panola County for a period of five years; fixing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 793, A bill to be entitled "An Act making it unlawful to hunt, shoot, or kill any wild deer in Houston County, Texas, within two years from the passage of this Act; fixing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 560, A bill to be entitled "An Act providing for the curing, obtaining evidences of, investigating of and reporting on, titles to State lands; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 564, A bill to be entitled "An Act amending Article 7268 of the Revised Civil Statutes of 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 497, A bill to be entitled "An Act to amend Article 4578, Revised Civil Statutes of Texas, of 1925, to provide that any person engaged or desiring to engage in the practice of embalming in connection with the care of disposition of dead human bodies within this State shall make a written application to the State Board of Embalming for a license, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, March 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 179, A bill to be entitled "An Act relating to district, county and justice courts, fixing the venue of civil actions therein and the jurisdiction thereof in certain cases, prescribing the duties of such courts in such cases; imposing and providing for the collection and disposition of penalties; the procedure with reference thereto, prescribing the effective date hereof and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed in lieu of advance printing.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 206, A bill to be entitled "An Act to amend Article 5518 of the Revised Civil Statutes of Texas, 1925, so as to limit the time within which a person under twenty-one (21) years of age, or in the military or naval service of the United States in time of war, or of unsound mind or imprisoned, may institute suit for the recovery of real estate, and to add another article to be known as Article 5518-a so as to provide that no person shall from and after the first day of June, 1931, maintain a suit for the recovery of lands, tenements and hereditaments against one who has had or held title thereto under a recorded muniment or muniments of title peaceably, and under an adverse claim of right for a period of twenty consecutive years, and providing this Act shall not affect suits pending on the date when it shall become effective as a law and defining the terms 'peaceable' and 'adverse' 'muniments of title' and 'owner' and

to provide further, that the rights of the State of Texas shall not be barred, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute do pass in lieu thereof.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 568, A bill to be entitled "An Act fixing the maximum amount of fees which all officers can receive under the provisions of the maximum fee bill in counties having a prescribed population, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

By Neal.

S. B. No. 568.

A BILL

To Be Entitled

An Act fixing the maximum amount of fees which all officers can receive under the provisions of the maximum fee bill in counties having a prescribed population, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In all counties having a population of not less than 15,550, and not more than 15,800 according to the last available Federal Census and each available Federal census thereafter, all officers shall be entitled to receive the fees earned by their respective offices in accordance with the provisions of the maximum fee bill, provided, however, that in such counties the maximum amount of fees which may be retained, including all excess fees, shall be \$8000.00 for each officer, whose office earns sufficient fees to pay this amount. Each officer earning fees in excess of \$8000.00 shall make disposition of such excess in accordance with the provisions of the maximum fee bill. All officers in counties

hereby affected shall be entitled to deputies and assistants in the manner authorized in the maximum fee bill.

Sec. 2. The crowded condition of the calendar, the importance of this Act, and the necessity of making adequate provision for the counties affected, due to a great influx of people because of the discovery of oil creates an emergency and an imperative public necessity that the Constitutional Rule, requiring all bills to be read on three several days in each House, be, and the same is, hereby suspended, and that this Act take effect and be in force from and after its passage; and it is so enacted.

Committee Room,

Austin, Texas, March 27, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 7, A bill to be entitled "An Act regulating the practice of medicine; amending Article 4495 of the Revised Civil Statutes of 1925 so as to provide for the Texas State Board of Medical Examiners and for the appointment of the members of said Board and prescribing their term of office; amending Article 4498 of the Revised Civil Statutes of 1925 and Article 739 of the Penal Code of Texas as codified in 1925, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be printed in the Journal.

BERKELEY, Chairman.

By Duvall, et al. H. B. No. 7.

A BILL

To Be Entitled

An Act regulating the practice of medicine; amending Article 4495, Revised Civil Statutes of 1925, so as to provide for the Texas State Board of Medical Examiners and for the appointment of the members of said Board, and prescribing their terms of office; amending Article 4498, Revised Civil Statutes of 1925, and Article 739 of the Penal Code of Texas as codified in 1925, so as to provide that it shall be unlawful for any one to practice medicine, in any of its branches, upon human beings within this State who has not registered in the District Clerk's

Office of every County in which he may reside, and in each and every County in which he may maintain an office or may designate a place for meeting, advising with, treating in any manner, or prescribing for patients, his certificate evidencing his right to practice medicine, as issued to him by the Texas State Board of Medical Examiners, together with his age, post office address, place of birth, name of medical college from which he graduated and date of graduation, all subscribed and verified by oath, which, if willfully false, shall subject the affiant to conviction and punishment for false swearing, as provided by law; and so as to provide that the holder of every such certificate must have the same recorded upon each change of residence, as well as in each and every County in which he may maintain an office, or in which he may designate a place for meeting, advising with, treating in any manner or prescribing for patients, and providing that the absence of such record in any place where such record is required by this Act shall be prima facie evidence of the want of possession of such certificate; and providing that if, after the passage of this Act, any person shall be prosecuted for the unlawful practice of medicine, occurring before the Act becomes effective, the case shall be governed in all respects by the law in force at the time the alleged criminal act was committed; and further providing that this Act is intended to amend certain designated Articles of the Revised Civil Statutes of 1925, and certain designated Articles of the Penal Code of 1925, and providing that the Articles thus amended shall be construed in connection with the other Articles constituting a part of the same Chapters of the Revised Civil Statutes and Penal Code in which the Articles of the same number now appear; and providing that nothing in this Act shall have the effect of repealing, amending or in any wise modifying the provisions of Chapter Eleven, Title 71, Revised Civil Statutes of 1925, and providing that, if any section, sub-section, sentence, clause or phrase of this Act is held to be unconstitutional, such decision

shall not affect the validity of the remaining portions of this Act, it being the intent of the Legislature that such remaining portions shall operate as a valid law; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 4495, Revised Civil Statutes of 1925, is hereby amended, so that the same shall hereafter read as follows:

Article 4495. The Texas State Board of Medical Examiners shall consist of twelve men, learned in medicine, legal and active practitioners in the State of Texas, who shall have resided and practiced medicine in this State, under a diploma from a legal and reputable college of medicine of the School to which said practitioner shall belong, for more than three years prior to their appointment on said Board. No school shall have a majority representation on said Board. Within thirty days after this Act becomes effective, the members of the first Board, as provided in this Act, shall be appointed by the Governor of the State. Of the members first appointed, four shall serve for a term of two years, or until their successors shall be appointed and qualified; four shall serve for a term of four years, or until their successors shall be appointed and qualified; and the remaining four members shall serve for a term of six years, or until their successors shall be appointed and qualified. Thereafter, at the expiration of the term of each member of the Board first appointed, his successor shall be appointed by the Governor of the State, and shall serve for a term of six years, or until his successor shall be appointed and qualified. The present members of the State Board of Medical Examiners, as created by Article 4495, Revised Statutes of 1925, shall remain in office until the members of the Texas State Board of Medical Examiners provided for in this Act shall have been appointed by the Governor and shall have qualified. No member of said Texas State Board of Medical Examiners shall be a stockholder or a member of the faculty or a board of trustees of any medical school. Vacancies occurring in the Board shall be filled by the Governor. The word "medicine," as used in this Article, shall have the same meaning and scope as

is given it in Article 4510, Revised Civil Statutes of 1925.

Sec. 2. Article 4498, Revised Civil Statutes of 1925, is hereby amended so that the same shall hereafter read as follows:

Article 4498. It shall be unlawful for any one to practice medicine, in any of its branches, upon human beings within the limits of this State who has not registered in the Districts Clerk's office of every County in which he may reside, and in each and every County in which he may maintain an office or may designate a place for meeting, advising with, treating in any manner, or prescribing for patients, the certificate evidencing his right to practice medicine, as issued to him by the Texas State Board of Medical Examiners, together with his age, post office address, place of birth, name of medical college from which he graduated, and date of graduation, subscribed and verified by oath, when, if willfully false, shall subject the affiant to conviction and punishment for false swearing, as provided by law. The fact of such oath and record shall be endorsed by the District Clerk upon the certificate. The holder of every such certificate must have the same recorded upon each change of residence to another county, as well as in each and every County in which he may maintain an office, or in which he may designate a place for meeting, advising with, treating in any manner or prescribing for patients; and the absence of such record in any place where such record is hereby required shall be prima facie evidence of the want of possession of such certificate.

Sec. 3. Article 739 of the Penal Code of Texas as codified in 1925, is hereby amended so that the same shall hereafter read as follows:

Article 739. It shall be unlawful for any one to practice medicine, in any of its branches, upon human beings within the limits of this State who has not registered in the District Clerk's office of every County in which he may reside, and in each and every County in which he may maintain an office or may designate a place for meeting, advising with, treating in any manner, or prescribing for patients, the certificate evidencing his right to practice medi-

cine, as issued to him by the Texas State Board of Medical Examiners, together with his age, post office address, place of birth, name of medical college from which he graduated, and date of graduation, subscribed and verified by oath, which, if willfully false, shall subject the affiant to conviction and punishment for false swearing, as provided by law. The fact of such oath and record shall be endorsed by the District Clerk upon the certificate. The holder of every such certificate must have the same recorded upon each change of residence to another county, as well as in each and every county in which he may maintain an office, or in which he may designate a place for meeting, advising with, treating in any manner, or prescribing for patients; and the absence of such record in any place where such record is hereby required shall be prima facie evidence of the want of possession of such certificate.

Sec. 4. Nothing in this Act shall affect, in any way, any prosecution for the unlawful practice of medicine, pending at the time this Act takes effect, or the procedure in any such case; nor shall this Act have the effect of relieving any person from liability, criminal or civil, incurred by reason of the unlawful practice of medicine at any time prior to the passage of this Act. If, after the passage of this Act, any person shall be prosecuted for the unlawful practice of medicine, occurring before the Act becomes effective, the case shall be governed in all respects by the law in force at the time the alleged criminal act was committed.

This Act is intended to amend certain designated Articles of the Revised Civil Statutes of 1925, constituting a part of the Penal Code of 1925, and also certain designated Articles of the Penal Code of 1925. Chapter 6, Title 12, and, as amended by this Act, these Articles shall be construed in connection with the other Articles constituting a part of the same Chapters of the Revised Civil Statutes and Penal Code in which the designated Articles now appear. Nothing in this Act shall have the effect of repealing, amending or in any wise modifying the provisions of Chapter Eleven, Title 71, Revised Civil Statutes of 1925.

Sec. 5. If any section, subsec-

tion, sentence, clause or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act, it being the intent of the Legislature that such remaining portions shall operate as a valid law.

Sec. 6. The importance to the public of the amendment to the medical practice laws proposed in this Act, and the imperative necessity for such amendments, creates an emergency and an imperative public necessity, demanding a suspension of the Constitutional Rule requiring bills to be read on three several days, and the same is hereby suspended, and it is enacted that this law shall take effect and be in force from and after its passage.

FIFTY-FIRST DAY.

Senate Chamber,

Austin, Texas, March 28, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Williamson.
Hopkins.	Woodruff.
Hornsby.	Woodul.
Loy.	Woodward.
Martin.	Moore.
Neal.	

Absent—Excused.

Patton.	Russek.
Pollard.	Stevenson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)